THE HON'BLE Mr. JUSTICE GODA RAGHURAM

TUESDAY, THE 31ST DAY OF JANUARY, 2006

W.P.No. 22915 of 2004

Between:-

K.V.V. Satyanarayana

--Petitioners

And

The B. Savaram, Primary Agricultural Co-operative Societies Limited, N.B-369, B. Savaram, Razole Mandal, East Godavari district, rep., by Person-in-charge, Sub-Divisional Co-operative Officer.

--Respondent

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No. 22915 of 2004

Oral order:-

Heard the learned counsel for the petitioner and Smt. Vijaya Laxmi, learned counsel for the respondent. The petitioner was appointed as Secretary of the respondent-Society. He was placed under suspension, pending inquiry, by the proceedings dated 01-06-2004, alleging certain irregularities in the discharge of duties. The petitioner's complaint is that even from 01-12-2002 to 31-05-2004 he was not paid salaries and no subsistence allowance either since his suspension with effect from 01-06-2004. The petitioner also pleads that the payment of subsistence allowance by the respondent-society is an obligation under Section 47 (6) of the Andhra Pradesh Shops and Establishments Act, 1988 (for short 'the Act'). A notice was issued on behalf of the petitioner to the Sub-Divisional Co-operative Officer/Chairman, Person-incharge-Committee of the respondent-society, meeting no response. Hence the writ petition is filed.

The respondent-society filed a counter affidavit stating that on account of financial stringencies the salary of the staff had been reduced and that of the petitioner was reduced to Rs. 3,400-00 per month vide resolution No.2 dated 13-01-2003. Therefore, as on the date of suspension i.e., 01-06-2004, the salary of the petitioner was Rs.3,400-00 per month. The counter affidavit further asserts that the subsistence allowance from 01-06-2004 to 30-11-2004 at the rate of 50% i.e., Rs.10,200-00; from 01-12-2004 to 31-05-2005 at the rate of 75% i.e., Rs.15,300-00 and from 01-06-2005 to 30-09-2005 at the rate of 100% i.e., Rs.13,600-00, in all Rs.39,100-00 has been paid by way of a cheque dated 10-10-2005 in an amount of Rs.27,200-00, the balance amount of Rs.11,900-00 has also been paid by way of cheque dated 13-10-2005, both cheques sent by registered post acknowledgement due to the petitioner. Therefore, the interim orders of this court dated 10-02-2004 have been complied with. From this statement, it appears that the subsistence allowance for the petitioner, which is currently at 100% of the salary, has been paid

upto 30-09-2005. Subsistence allowance from 01-10-2005 upto date is also to be paid. The respondent-society is also liable to pay the subsistence allowance in future, as a statutory obligation, under Section 47 (6) of the Act.

In the circumstances, the writ petition is disposed of directing the respondent to pay the arrears of subsistence allowance to the petitioner upto date, within a period of two weeks from the date of receipt of a copy of this order. The respondent shall also pay the subsistence allowance to the petitioner, in terms of Section 47(6) of the Act, month after the month, without default, during the pendency and currency of an employer-employee relationship between the respondent and petitioner. The writ petition is accordingly allowed. No order as to costs.

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GODA RAGHURAM, J

Dated: 31-01-2006

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